

# Order

Michigan Supreme Court  
Lansing, Michigan

August 29, 2006

130905

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

JERRY MICHAEL PORTER,  
Defendant-Appellant.

Clifford W. Taylor,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

SC: 130905  
COA: 267405  
Wayne CC: 04-009644-01

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On order of the Court, the application for leave to appeal the March 20, 2006 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court. Because defendant's application for leave to appeal was timely filed in the Court of Appeals pursuant to MCR 7.205(F)(3), and the Court of Appeals does not explain why it treated defendant's application as an appeal from an order denying relief from judgment, it appears that the Court of Appeals erroneously relied on MCR 6.508(D) to deny defendant's application.



s0821

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

August 29, 2006

*Corbin R. Davis*

Clerk